

Paper 1

Mail Stop Interference  
P.O. Box 1450  
Alexandria Va 22313-1450  
Tel: 571-272-9797  
Fax: 571-273-0042

Filed 2 May 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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EDWARD L. TOBINICK,  
and ARTHUR JEROME TOBINICK,  
Junior Party  
(Patent 6,015,557),

v.

JUNMING LE,  
JAN VILCEK, PETER DADDONA,  
JOHN GHRAYEB, DAVID KNIGHT, and SCOTT SIEGEL,  
Senior Party  
(Applications 10/227,488 and 10/665,971)

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Patent Interference No. 105,621  
(Technology Center 1600)

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2       **DECLARATION - Bd.R. 203(b)<sup>1</sup>**  
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**Part A. Declaration of interference**

5       An interference is declared (35 U.S.C. ' 135(a)) between the above-identified  
6       parties. Details of the application(s), patent (if any), reissue application (if any), count(s)  
7       and claims designated as corresponding or as not corresponding to the count(s) appear  
8       in Parts E and F of this DECLARATION.

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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. ' 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1           **Part B. Judge managing the interference**

2           Administrative Patent Judge Sally Gardner Lane has been designated to manage  
3           the interference. Bd. R. 104(a).

4           **Part C. Standing order**

5           A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this  
6           DECLARATION. The STANDING ORDER applies to this interference.

7           **Part D. Initial conference call**

8           A telephone conference call to discuss the interference is set for **2:00 p.m. on 8**  
9           **July 2008** (the Board will initiate the call).

10           No later than **four business days** prior to the conference call, each party shall  
11           file and serve (SO & 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;  
12           SO & 104.2.1, 120 & 204) the party intends to file.

13           A sample schedule for taking action during the motion phase appears as Form 2  
14           in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to  
15           the conference call and to agree on dates for taking action. A typical motion period  
16           lasts approximately eight (8) months. Counsel should be prepared to justify any request  
17           for a shorter or longer period.

1                   **Part E. Identification and order of the parties**

2                   Junior Party

3        Named inventors:       EDWARD L. TOBINICK, LOS ANGELES, CA;  
4                                   ARTHUR JEROME TOBINICK, LOS ANGELES, CA;  
5  
6        Involved Patent:       6,015,557, issued on 18 January 2000 from  
7                                   application 09/275,070, filed 23 March 1999  
8  
9        Title:                   TUMOR NECROSIS FACTOR ANTAGONISTS FOR  
10                                   THE TREATMENT OF NEUROLOGICAL  
11                                   DISORDERS  
12  
13        Assignee:              None of record

14                   Senior Party

15        Named Inventors:       JUNMING LE, JACKSON HEIGHTS, NY;  
16                                   JAN VILCEK, NEW YORK, NY;  
17                                   PETER DADDONA, MENLO PARK, CA;  
18                                   JOHN GHRAYEB, DOWNTOWN, PA;  
19                                   DAVID KNIGHT, BERWYN, PA;  
20                                   SCOTT SIEGEL, WESTBOROUGH, MA;  
21  
22        Involved Application:   10/227,488 ('488), filed 23 August 2002  
23        Title:                   METHODS OF TREATING INFLAMMATION  
24                                   ASSOCIATED WITH NEUROGENERATIVE DISEASES  
25                                   WITH ANTI-TNF $\alpha$  ANTIBODIES  
26  
27        Involved Application:   10/665,971 ('971), filed 19 September 2003  
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29        Title:                   METHOD OF TREATING NEURODEGENERATIVE  
30                                   INFLAMMATION WITH ANTI-TNF ALPHA ANTIBODIES  
31  
32        Assignee:              None of record

1 The senior party is assigned exhibit numbers 1001-1999. The junior party is  
2 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO & 154.2.1. The senior party  
3 is responsible for initiating settlement discussions. SO & 126.1.

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## 5 Part F. Count and claims of the parties

6 Count 1

7           Claim 1 of Tobinick (6,015,557) or claim 3 of Le (10/227,488) or claims 1 of Le  
8           (10/665,971).

## 9 The claims of the parties are:

10 Tobinick: 1-47

11 Le '488: 4, 7-10, 32, 33, 37, 53-58, 60-65, 85, 87, and 88

12 Le '971: 1-3, 34, and 35

13 The claims of the parties which correspond to Count 1, and therefore are  
14 involved in the interference, are:

15 Tobinick: 1-3, 13, 14, 17-26

16 Le '488: 4, 7-10, 32, 33, 37, 53-58, 60-65, 85, 87, and 88

17 Le '971: 1-3, 34, and 35

18 The claims of the parties which do not correspond to Count 1, and therefore are  
19 not involved in the interference, are:

1 Tobinick: 4-12, 15, 16, 27-47

2 Le '488: None

3 Le '971: None

4 The parties are accorded the following benefit for Count 1:

5 Tobinick: US 09/256,388, filed 02/24/1999

6 Le: US 09/756,398, filed 01/08/2001, now PAT 6,835,823

7 US 09/766, 535, filed 01/18/2001, now PAT 6,991,791

8 US 09/133,119, filed 08/12/1998, now PAT 6,277,969<sup>2</sup>

9 US08/570,674, filed 12/11/1995

10 US 08/324,799, filed 10/18/1994, now PAT 5,698,195

11 US 08/192,102, filed 02/04/1994, now PAT 5,656,272

12 US 08/192,861, filed 02/04/1994, now PAT 5,919,452

13 US 08/192,093, filed 02/04/1994, now PAT 6,284,471

14 US 08/010,406, filed 01/29/1993

15 US 08/013,413, filed 02/02/1993

16 US 07/943,852, filed 09/11/1992

17 US 07/853,606, filed 03/18/1992

18 US 07/670,827, filed 03/18/1991

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<sup>2</sup> According to USPTO records: (1) the involved '488 application is a continuation of 09/766,535 (535); (2) the involved '971 application is a divisional of 09/756,398 (398), and (3) the '535 and '398 applications are both divisional of 09/133,119.

1                   **Part G. Heading to be used on papers**

2                   The following heading must be used on all papers filed in this interference, see  
3                   SO & 106.1.1:

4                   UNITED STATES PATENT AND TRADEMARK OFFICE

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6                   BEFORE THE BOARD OF PATENT APPEALS  
7                   AND INTERFERENCES

8                   

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9                   EDWARD L. **TOBINICK**,  
10                   and ARTHUR JEROME TOBINICK,  
11                   Junior Party  
12                   (Patent 6,015,557),

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14                   

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15                   JUNMING LE,  
16                   JAN VILCEK, PETER DADDONA,  
17                   JOHN GHRAYEB, DAVID KNIGHT, and SCOTT SIEGEL,  
18                   Senior Party  
19                   (APPLICATIONS 10/227,488 AND 10/665,971).

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21                   Patent Interference No. 105,621

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23                   (Technology Center 1600)

24                   **Part H. Order form for requesting file copies**

25                   When requesting copies of files, use of SO Form 4 will greatly expedite  
26                   processing of the request. Please attach a copy of Parts E and F of this  
27                   DECLARATION with a hand-drawn circle around the patents and applications for which  
28                   a copy of a file wrapper is requested.

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**/Sally Gardner Lane/  
Administrative Patent Judge**

Enc:

Copy of STANDING ORDER  
Copy of U.S. Patent 6,015,557  
Copy of claims of 10/227,588 and 10/665,971

Revised 3 January 2006

cc (via overnight delivery):

Attorney for TOBINICK:

**EZRA SUTTON, P.A.  
A PROFESSIONAL CORPORATION  
900 ROUTE 9  
WOODBRIDGE, NJ 07095**

Attorney for LE:

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
530 VIRGINIA ROAD  
CONCORD, MA 01742